

American Arbitration Association
Construction Industry Arbitration Rules
Amended Demand for Arbitration - Counterclaim

TO: Shamrock Building Systems, Inc. - Claimant
c/o Agovino & Asselta, LLP - Representative
170 Old Country Road - Suite # 608
Mineola, New York 11501
(516) 248-9880 fax (516) 248-9879

FROM: Rose Realty Corp. and Tempest Realty Corp. - Respondents
c/o Agulnick & Gogel, LLC - Representative
321 Broadway - 2nd Floor
New York, New York 10007
(212) 233-9500 fax (212) 693-1666

THE RESPONDENTS, DETERMINED BY ORDER OF THE SUPREME COURT: NEW YORK COUNTY, TO BE PARTIES TO A WRITTEN AGREEMENT PROVIDING FOR ARBITRATION UNDER THE CONSTRUCTION INDUSTRY ARBITRATION RULES, HEREBY DEMANDS ARBITRATION THEREUNDER UPON THE ANNEXED COUNTERCLAIM.

Nature Of Dispute: The Respondent alleges that the Claimant has failed, refused and neglected to repair the leaking front wall on the second floor, the roof leak on the front of the building; failed to replace the defective overhead doors; failed to install doors adjoining the basement; failed, refused and neglected to complete required electrical work; failed, neglected and refused to hook-up warehouse fans; failed, neglected and refused to hook-up the generator in the warehouse; failed, neglected and refused to join all floors to the adjacent Liffey Building resulting in damages and prospective costs in the sum of one hundred thousand (\$150,000.00) dollars; the Claimant, Shamrock Building Systems, Inc. failed to pay its subcontractors who have placed mechanics liens upon the premises in question, to wit CSC of NY, Inc. in the amount of four thousand (\$4,000.00) dollars; Dember Construction in the sum of thirty thousand two hundred and sixty five thousand and thirty cents (\$30,265.30); Capital Fire Sprinkler Co. in the amount of fourteen thousand six hundred twelve dollars and thirty one cents (\$14,612.31); and Tailored Roofing, Inc. in the amount of six thousand eight hundred forty four dollars and forty cents (\$6,844.40); R.P. Decking, Ltd. in the sum of twenty four thousand five

hundred (\$24,500.00) dollars; and it has failed to pay other subcontractors who have not filed mechanics liens; and the sum of one hundred (\$100.00) dollars per day for failure to complete the entire work on time, for an amount to be determined.

Dollar Amount of Claim: \$ 150,000.00, plus late charges to be determined

Other Relief Sought: An Order directing Claimant to discharge the pending mechanics liens; interest, arbitration costs and attorneys fees.

Qualifications for Arbitrators to be appointed to hear this dispute: An attorney with experience in the construction industry.

Claimant is the Contractor.

Respondent: Rose Realty Corp. is the Owner. Tempest Realty Corp. leased a portion of the real property in question to the Respondent, Rose Realty Corp. and should not have been named as a party to the arbitration agreement.

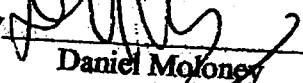
Estimated time needed for hearings average - 2 days

Copies of this Counterclaim are being filed with the American Arbitration Association at its East Providence, Rhode Island office. Respondent requests that the AAA administer this Arbitration Counterclaim. Under the rules, you may file an adversary statement within ten (10) days after notice from the AAA.

Claimant requests that the Arbitration Hearing be held at the following locale: New York, New York.


Rose Realty Corp.

Date: January 25, 2007

By: 
Daniel Moloney
President

Tempest Realty Corp.

Date: January 25, 2007

By: 
Daniel Moloney
President

Name of Respondent-Counterclaimants: Rose Realty Corp. and Tempest Realty Corp.

Address: 234 East 121st Street
City: New York State: New York Zip Code: 10035
Phone: (212) 410-3500
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Name of Representative: Agulnick & Gogel, LLC

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